

**United States Senate**  
WASHINGTON, DC 20510

June 28, 2023

**VIA ELECTRONIC TRANSMISSION**

The Honorable Anne Milgram  
Administrator  
U.S. Drug Enforcement Administration

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation

Dear Administrator Milgram and Director Wray:

On February 22, 2023, I wrote to the Drug Enforcement Administration (DEA) and Federal Bureau of Investigation (FBI) about reports that the agencies gave Genaro Garcia Luna U.S. intelligence and resources despite credible evidence that he worked for the Sinaloa Cartel. Both the DEA and FBI have failed to respond. On April 5, 2023, I asked counsel of record in *United States of America v. Genaro Garcia Luna* for government reports detailing Garcia Luna's criminal activity and corruption. Counsel for Garcia Luna was willing to provide those documents. The government failed to respond. On April 19, 2023, I asked Deputy Attorney General Monaco when I could expect responsive documents.<sup>1</sup> She assured me she would look into the Justice Department's response.

When the Justice Department finally responded on April 21, 2023, it failed to provide any information but claimed the Garcia Luna case "affirms the Department of Justice's ... and DEA's dedication to targeting and bringing to justice those who enable the Sinaloa criminal drug cartel[.]" Ignoring Congressional oversight questions relating to the Sinaloa cartel and foreign corruption demonstrates a lack of commitment to bringing criminals to justice.

Shockingly, the Justice Department even failed to produce unsealed trial transcripts. Testimony revealed a series of concerning decisions regarding corruption. For example, DEA Agent Miguel Madrigal testified that he saw video of a car belonging to Mexican Federal Police Commander Bayardo parked outside Sinaloa cartel boss Rey Zambada's house.<sup>2</sup> Bayardo reportedly received intelligence information from the U.S. government;<sup>3</sup> however, it is unclear what, if anything, DEA did to investigate his association with Zambada. Agent Madrigal reported this information to his DEA supervisor, who gave the information to Mexican Federal Police Chief Victor Garay. According to news reports, Victor Garay was arrested in 2008 for

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<sup>1</sup> U.S. Senate Committee on the Judiciary, Holding Russian Kleptocrats and Human Rights Violators Accountable for their Crimes Against Ukraine, <https://www.judiciary.senate.gov/committee-activity/hearings/holding-russian-kleptocrats-and-human-rights-violators-accountable-for-their-crimes-against-ukraine> (Apr. 19, 2023).

<sup>2</sup> Trial Tr. 978-982 (Miguel Madrigal Direct).

<sup>3</sup> Trial Tr. 960:6-21 (Miguel Madrigal Direct); Trial Tr. 1493:2-10 (Zambada Garcia Direct).

working with the Zambada faction of the Sinaloa Cartel.<sup>4</sup> Commander Bayardo was gunned down in a coffee shop in Mexico City after providing incriminating information about Victor Garay to the Mexican government.<sup>5</sup>

On May 10, 2023, DEA gave a briefing on its work in Mexico to staff for the Senate Judiciary Committee and Senate Caucus on International Narcotics Control. At this briefing, DEA assured my staff that the agency takes corruption seriously, but DEA representatives did not know how the agency conveyed information about foreign corruption to Congress to keep elected representatives apprised of ongoing matters relevant to legislative priorities. In fact, most of the information DEA provided at the briefing is widely available online.<sup>6</sup> In addition to providing a substantive response to my February 22, 2023 letter, please answer the following questions by July 24, 2023.

1. Please detail the steps taken by the FBI and DEA to investigate Mexican Federal Police Commander Bayardo after receiving video of Commander Bayardo's car parked outside Rey Zambada's house.
2. Please explain your agency protocol for investigating foreign law enforcement partners once your agency receives evidence of corruption.
3. Please explain the threshold of evidence your agency requires to open an investigation into a corrupt foreign law enforcement partner.
4. Please explain how your agency communicates information about a corrupt foreign law enforcement partner to Congress.
5. Please explain how your agency complies with the Foreign Assistance Act's requirement that the President take all reasonable steps to ensure that U.S. foreign assistance is not provided to an individual or entity directly or indirectly involved with drug trafficking.

Sincerely,



Charles E. Grassley

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<sup>4</sup> Elisabeth Malkin, The New York Times, Mexico: 5 Officials Held in Drug Inquiry, [https://www.nytimes.com/2008/11/05/world/americas/05briefs-SOFFICIALSHE\\_BRF.html](https://www.nytimes.com/2008/11/05/world/americas/05briefs-SOFFICIALSHE_BRF.html) (Nov. 4, 2008)

<sup>5</sup> Ken Ellingwood, Los Angeles Times, Witness in Mexico protection program killed, <https://www.latimes.com/archives/la-xpm-2009-dec-03-la-fg-mexico-shooting3-2009dec03-story.html> (Dec. 3, 2009)

<sup>6</sup> As Senator Kennedy stated during a Senate Appropriations Hearing, "Madam Administrator, I've listened to you here for almost an hour telling us how bad fentanyl is; thank you for that, but we know." <https://www.appropriations.senate.gov/hearings/a-review-of-the-presidents-fiscal-year-2024-funding-requests-for-the-federal-bureau-of-investigation-and-for-the-us-drug-enforcement-administration> (May 10, 2023).